

EPA Region 5 Records Ctr.

R2003268133_1



377448

PREPARED BY:

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RETURN TO:

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MARY ANN STUKEL**13P**

Will County Recorder

Will County

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PC1 Date 10/24/2003 Time 11:43:28

Recording Fees: 27.00

THE ABOVE SPACE FOR RECORDER'S OFFICE

Environmental Land Use Control

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this 21st day of October, 2003, by BP Amoco Chemical Company, a Delaware corporation, ("Property Owner") of the real property located in Channahon Township, Will County, Illinois and legally described as set forth in Exhibit "A" attached hereto and incorporated by reference herein. ("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an ELUC as an institutional control in order to impose land use limitations or requirements related to environmental contamination so that persons conducting remediation can obtain a No Further Remediation determination from the Illinois Environmental Protection Agency ("IEPA"). The reason for an ELUC is to ensure protection of human health and the environment. The limitations and requirements contained herein are necessary in order to protect against exposure to contaminated soil or groundwater, or both, that may be present on the Property as a result of the Property Owner's historic operation of two landfills on the on the Property. Under 35 Ill. Adm. Code 742, the use of risk-based, site-specific remediation objectives may require the use of an ELUC on real property, and the ELUC may apply to certain physical features (e.g, engineered barriers, monitoring wells, caps, etc.).

ELUC-Retained Property (v3)

11/13/04

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WHEREAS, Property Owner intends to request risk-based, site specific soil and groundwater remediation objectives from IEPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of sites located on or near the Property utilizing an ELUC, such sites being identified by IEPA as IL ID No. 1978000001 (Will County) and IL ID No. 1970450056 (Will County).

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully set forth herein, and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the real estate, situated in the County of Will, State of Illinois and further described in Exhibit A.

Attached as Exhibit B are site maps that show the legal boundary of the Property, any physical features to which the ELUC applies, the horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives for soil or groundwater or both, and the nature, location of the source, and direction of movement of the contaminants of concern, as required under 35 Ill. Adm. Code 742.

Section Two. Property Owner represents and warrants that it is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder of Deeds in Will County, Illinois.

Section Three. The Property Owner hereby agrees, for itself, and its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that:

- a. Groundwater which underlies the Property shall not be used for potable purposes
- b. No water supply well shall be installed or otherwise used for any purposes at the Property. Installation and use of wells for groundwater monitoring or remediation activities are not prohibited.

ELUC-Retained Property (v3)

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- c. The Property shall not be used for any agricultural, recreational or residential purpose, or in any manner that would allow children to have the opportunity for exposure to contaminants through soil ingestion or inhalation, including but not limited to educational facilities, health care facilities, child care facilities, or outdoor recreational areas.

Section Four. This ELUC is binding on the Property Owner, its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; until the IEPA, upon written request, issues a new no further remediation determination approving modification or removal of the limitation(s) or requirement(s); and until and a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

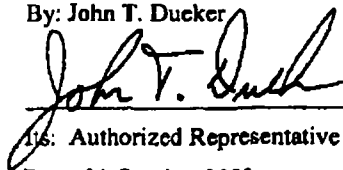
Section Five. Information regarding the remediation that has or will be performed by the Property Owner on the sites located on or near the Property may be obtained from the IEPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the IEPA with the identification numbers listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

WITNESS the following signature:

Property Owner

By: John T. Ducker



As: Authorized Representative

Date: 21 October 2003

ELUC-Retained Property (v3)

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STATE OF ILLINOIS)

) SS:

COUNTY OF)

I, Steven Hernandez, the undersigned, a Notary Public for said County and State, DO
HEREBY CERTIFY, that John T. Dueker, personally known to me to be the Authorized
Representative of BP Amoco Chemical Company, and personally known to me to be the
same person whose name is subscribed to the foregoing instrument, appeared before me this
day in person and severally acknowledged that in said capacity he signed and delivered the
said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 21st day of October, 2003.


Notary Public



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Exhibit A

(ELUC AREA RETAINED BY BP AMOCO CHEMICAL COMPANY)

The subject property is located in the Township of Chananhon, County of Will, State of Illinois and more particularly described as:

THAT PART OF THE WEST HALF OF FRACTIONAL SECTION 11 AND THE EAST HALF OF SECTION 10, ALL IN TOWNSHIP 34 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 11; THENCE SOUTH 00 DEGREES 22 MINUTES 35 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID FRACTIONAL SECTION 11, 2403.25 FEET TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 962.38 FEET; THENCE SOUTH 73 DEGREES 47 MINUTES 05 SECONDS EAST, 443.75 FEET TO THE LINE BETWEEN BP AMOCO CHEMICAL COMPANY AND THE STATE OF ILLINOIS, ACCORDING TO THE BOUNDARY LINE AGREEMENT RECORDED MARCH 31, 2003 AS DOCUMENT R2003074463; THENCE SOUTH 11 DEGREES 35 MINUTES 52 SECONDS WEST, 19.40 FEET; THENCE SOUTH 13 DEGREES 56 MINUTES 18 SECONDS WEST, 102.86 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID FRACTIONAL SECTION 11; THENCE SOUTH 19 DEGREES 28 MINUTES 21 SECONDS WEST, 78.15 FEET; THENCE SOUTH 16 DEGREES 46 MINUTES 10 SECONDS WEST, 111.28 FEET; THENCE SOUTH 08 DEGREES 30 MINUTES 22 SECONDS WEST, 127.28 FEET; THENCE SOUTH 00 DEGREES 57 MINUTES 11 SECONDS WEST, 104.71 FEET; THENCE SOUTH 02 DEGREES 34 MINUTES 13 SECONDS WEST, 121.65 FEET; THENCE SOUTH 02 DEGREES 47 MINUTES 35 SECONDS EAST, 98.05 FEET; THENCE SOUTH 00 DEGREES 51 MINUTES 31 SECONDS EAST, 100.25 FEET; THENCE SOUTH 06 DEGREES 00 MINUTES 49 SECONDS EAST, 53.05 FEET; THENCE SOUTH 04 DEGREES 06 MINUTES 43 SECONDS EAST, 139.59 FEET; THENCE SOUTH 12 DEGREES 10 MINUTES 49 SECONDS WEST, 95.47 FEET; THENCE SOUTH 34 DEGREES 36 MINUTES 35 SECONDS WEST, 118.50 FEET; THENCE SOUTH 25 DEGREES 06 MINUTES 06 SECONDS WEST, 58.77 FEET; THENCE SOUTH 23 DEGREES 51 MINUTES 41 SECONDS WEST, 97.50 FEET; THENCE SOUTH 20 DEGREES 31 MINUTES 17 SECONDS WEST, 199.60 FEET; THENCE SOUTH 39 DEGREES 39 MINUTES 38 SECONDS WEST, 157.18 FEET; THENCE SOUTH 37 DEGREES 33 MINUTES 19 SECONDS WEST, 84.22 FEET; THENCE SOUTH 35 DEGREES 05 MINUTES 49 SECONDS WEST, 138.34 FEET; THENCE SOUTH 26 DEGREES 12 MINUTES 55 SECONDS WEST, 120.00 FEET; THENCE SOUTH 18 DEGREES 13 MINUTES 40 SECONDS WEST, 55.36 FEET; THENCE SOUTH 30 DEGREES 06 MINUTES 32 SECONDS WEST, 67.37 FEET; THENCE SOUTH 25 DEGREES 44 MINUTES 33 SECONDS WEST, 81.98 FEET; THENCE SOUTH 21 DEGREES 28 MINUTES 31 SECONDS WEST, 86.35 FEET; THENCE SOUTH 27 DEGREES 44 MINUTES 29 SECONDS WEST, 34.29 FEET; THENCE SOUTH 30 DEGREES 45 MINUTES 53 SECONDS WEST, 53.87 FEET; THENCE SOUTH 26 DEGREES 47 MINUTES 03 SECONDS WEST, 81.44 FEET; THENCE SOUTH 27 DEGREES 04 MINUTES 14 SECONDS WEST, 18.03 FEET; THENCE SOUTH 26 DEGREES 31 MINUTES 58 SECONDS WEST, 36.37

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FEET; THENCE SOUTH 32 DEGREES 39 MINUTES 01 SECONDS WEST, 17.43 FEET; THENCE SOUTH 26 DEGREES 44 MINUTES 09 SECONDS WEST, 102.05 FEET; THENCE SOUTH 20 DEGREES 37 MINUTES 15 SECONDS WEST, 48.63 FEET; THENCE SOUTH 29 DEGREES 32 MINUTES 46 SECONDS WEST, 146.16 FEET; THENCE SOUTH 24 DEGREES 23 MINUTES 47 SECONDS WEST, 56.38 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID FRACTIONAL SECTION 11; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID SOUTH LINE, 415.53 FEET TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 11; THENCE NORTH 44 DEGREES 15 MINUTES 07 SECONDS WEST, 823.09 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 551.86 FEET; THENCE NORTH 14 DEGREES 13 MINUTES 59 SECONDS EAST, 175.03 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 429.09 FEET; THENCE NORTH 04 DEGREES 13 MINUTES 03 SECONDS WEST, 175.63 FEET; THENCE NORTH 06 DEGREES 58 MINUTES 41 SECONDS WEST, 255.11 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 718.30 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 590.10 FEET TO THE POINT OF BEGINNING; IN WILL COUNTY, ILLINOIS.

Parcel Identification Numbers (PIN) Associated with ELUC Area Retained by BP

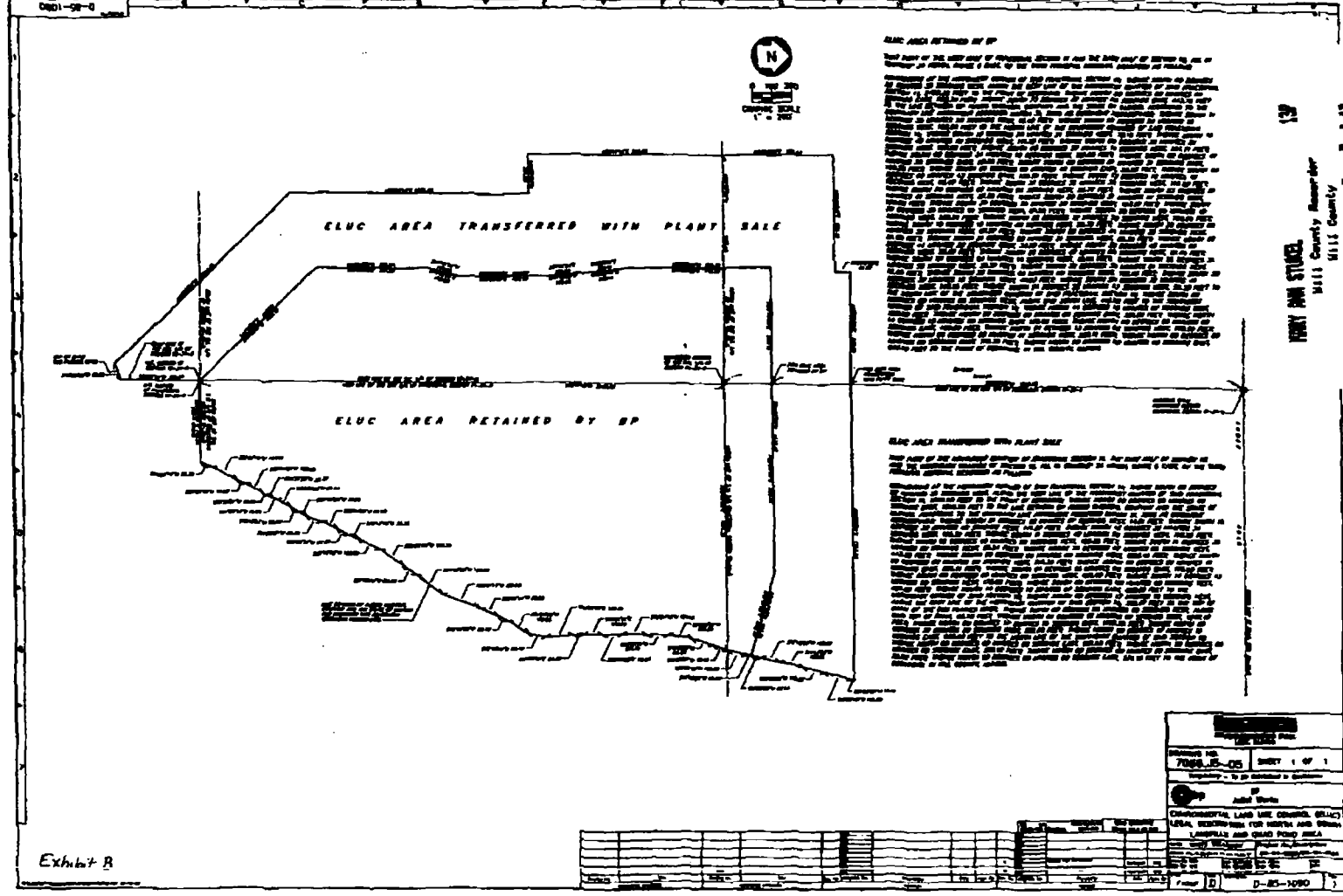
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PIN 10-11-100-001-0020
PIN 10-10-400-004-0000
PIN 10-11-100-001-0010
PIN 10-10-400-005-0000
PIN 10-10-400-003-0000

Common Address: 23425 Amoco Road Channahon, Illinois 60410

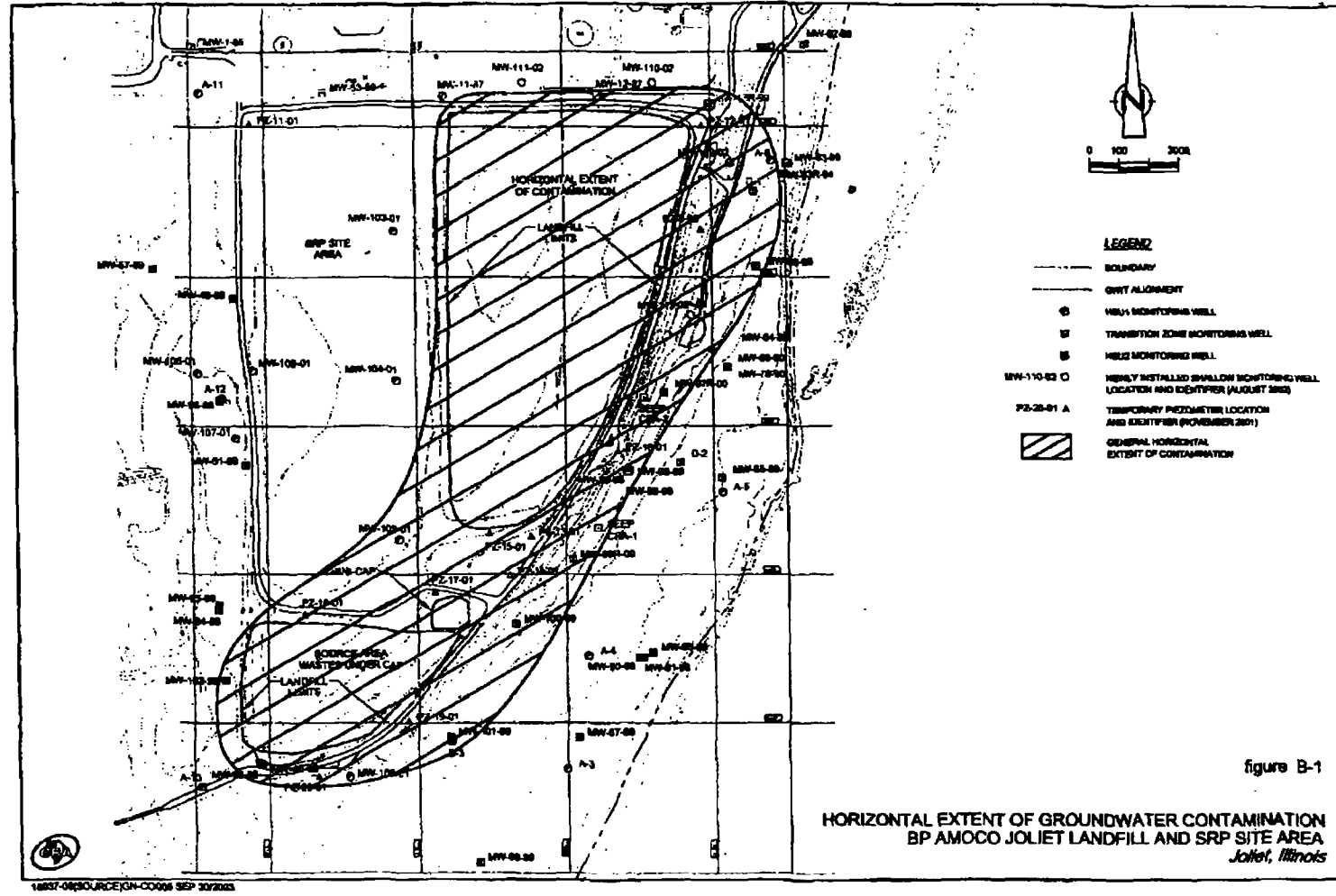
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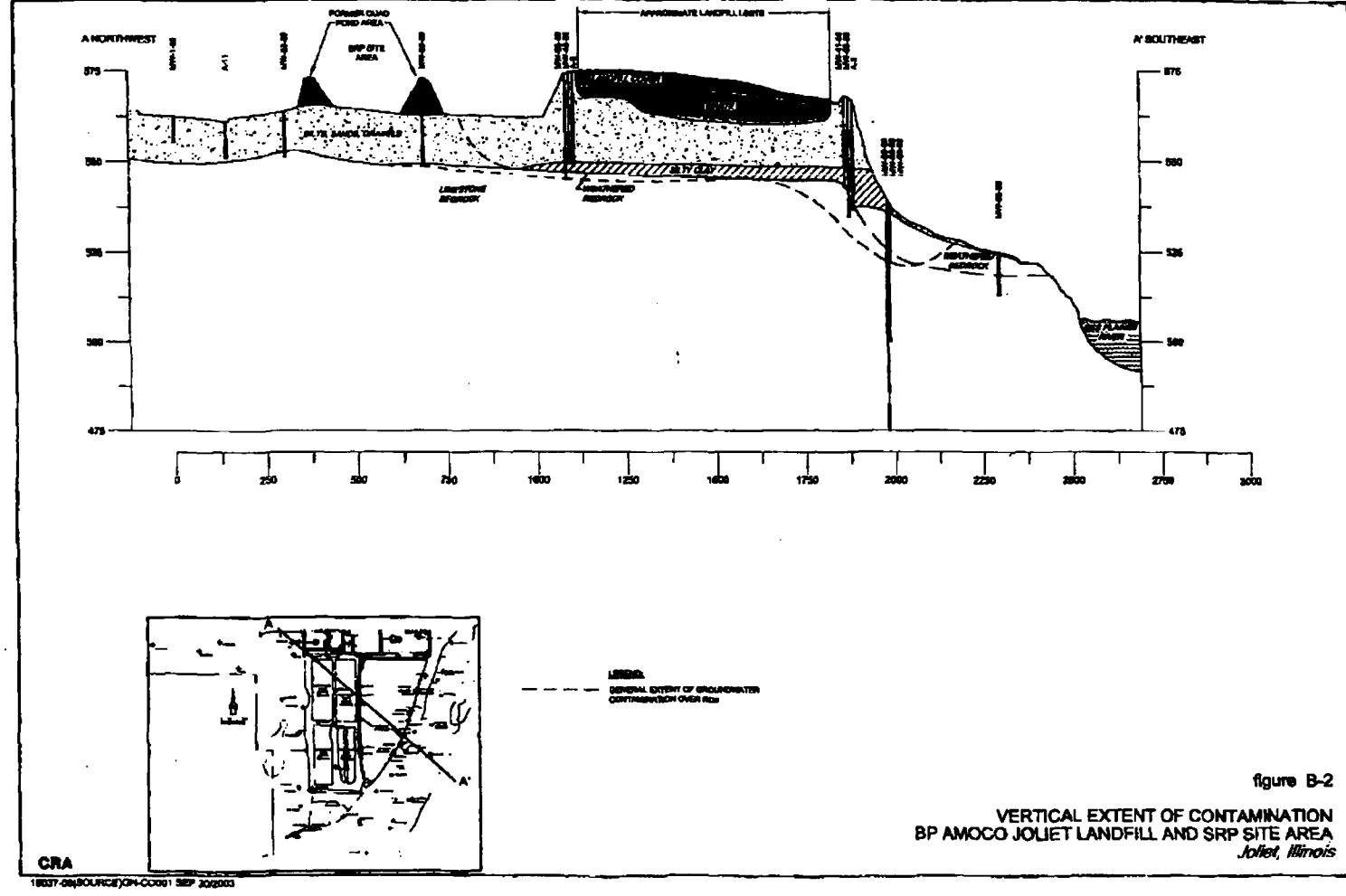
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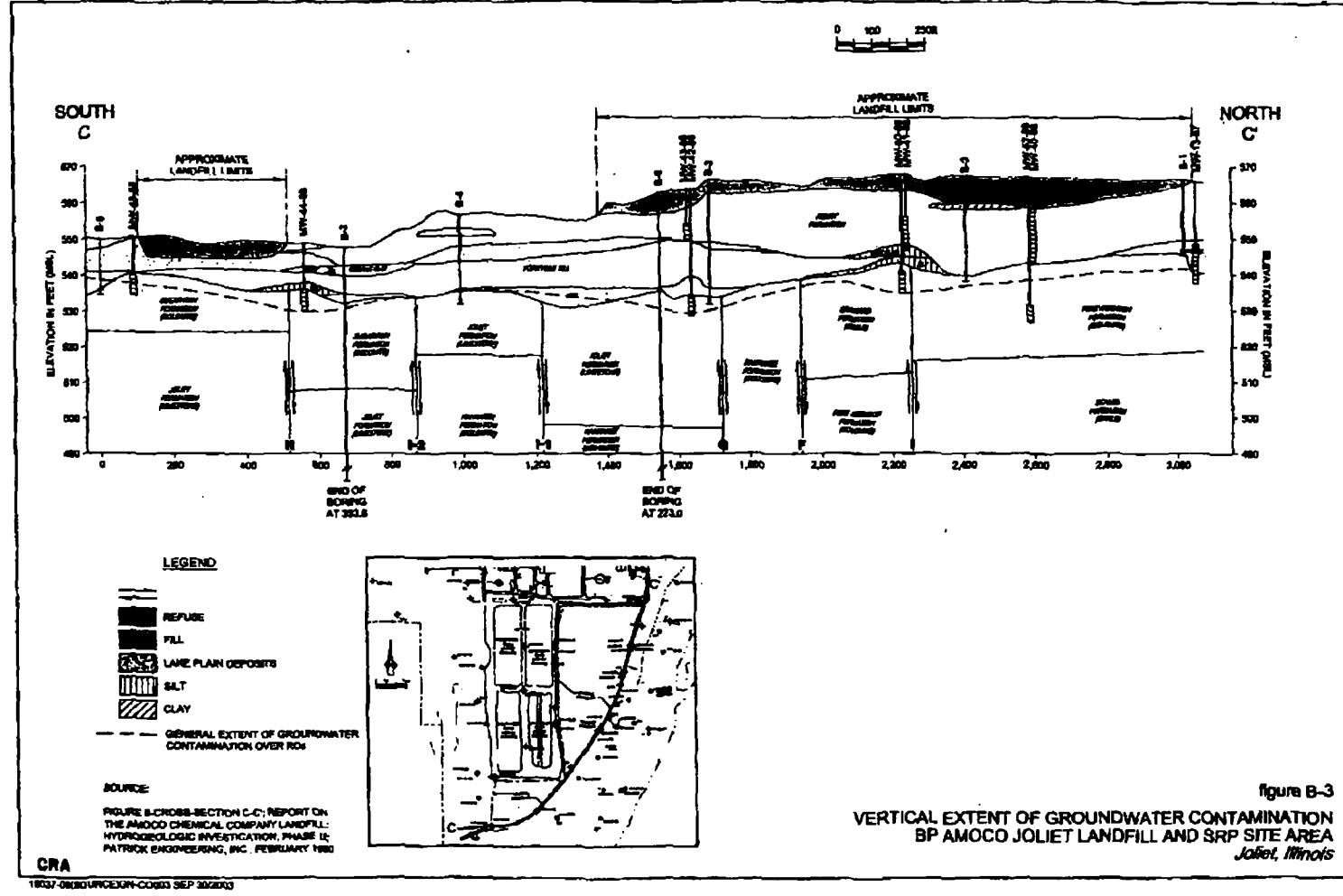
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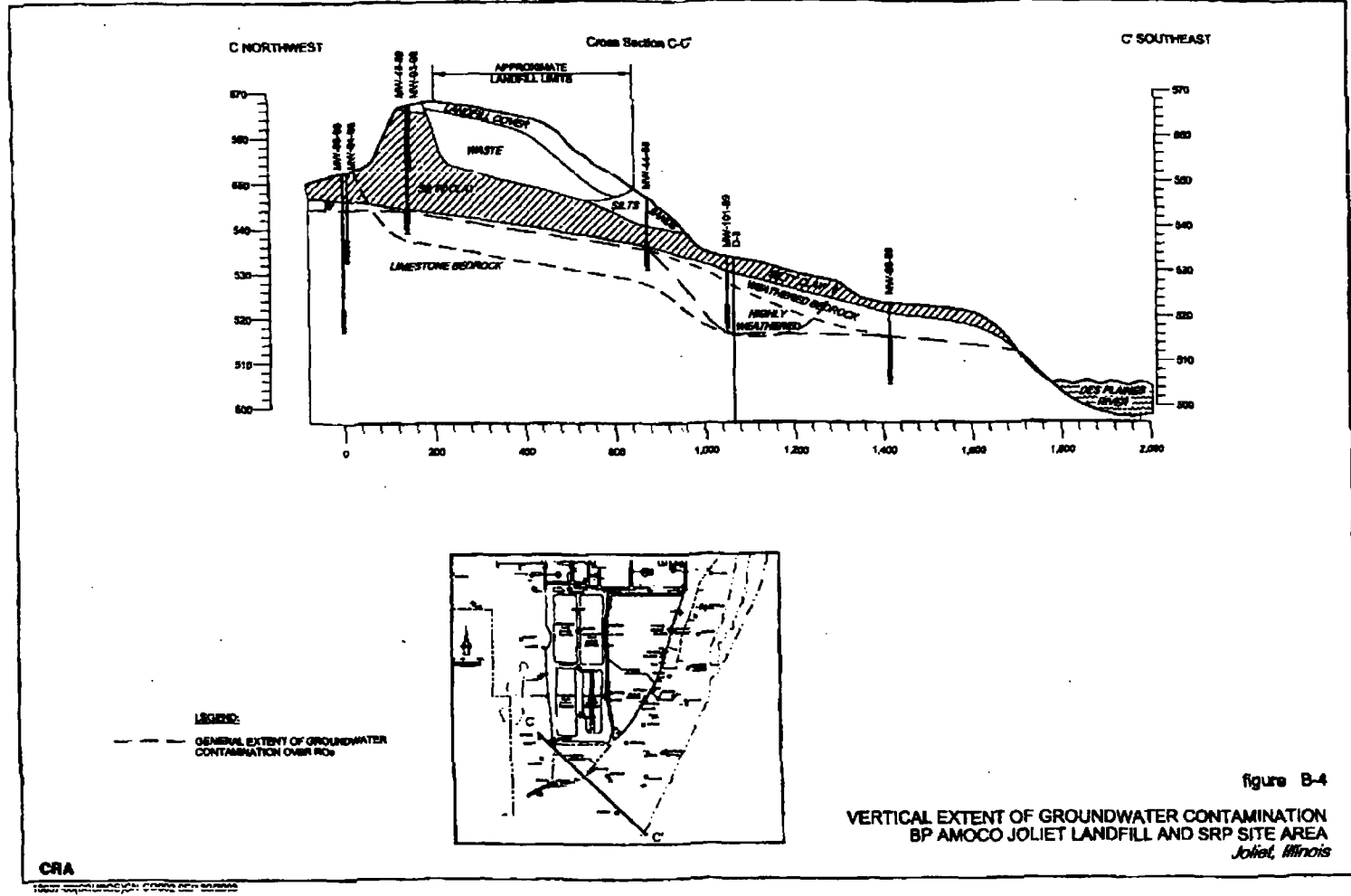


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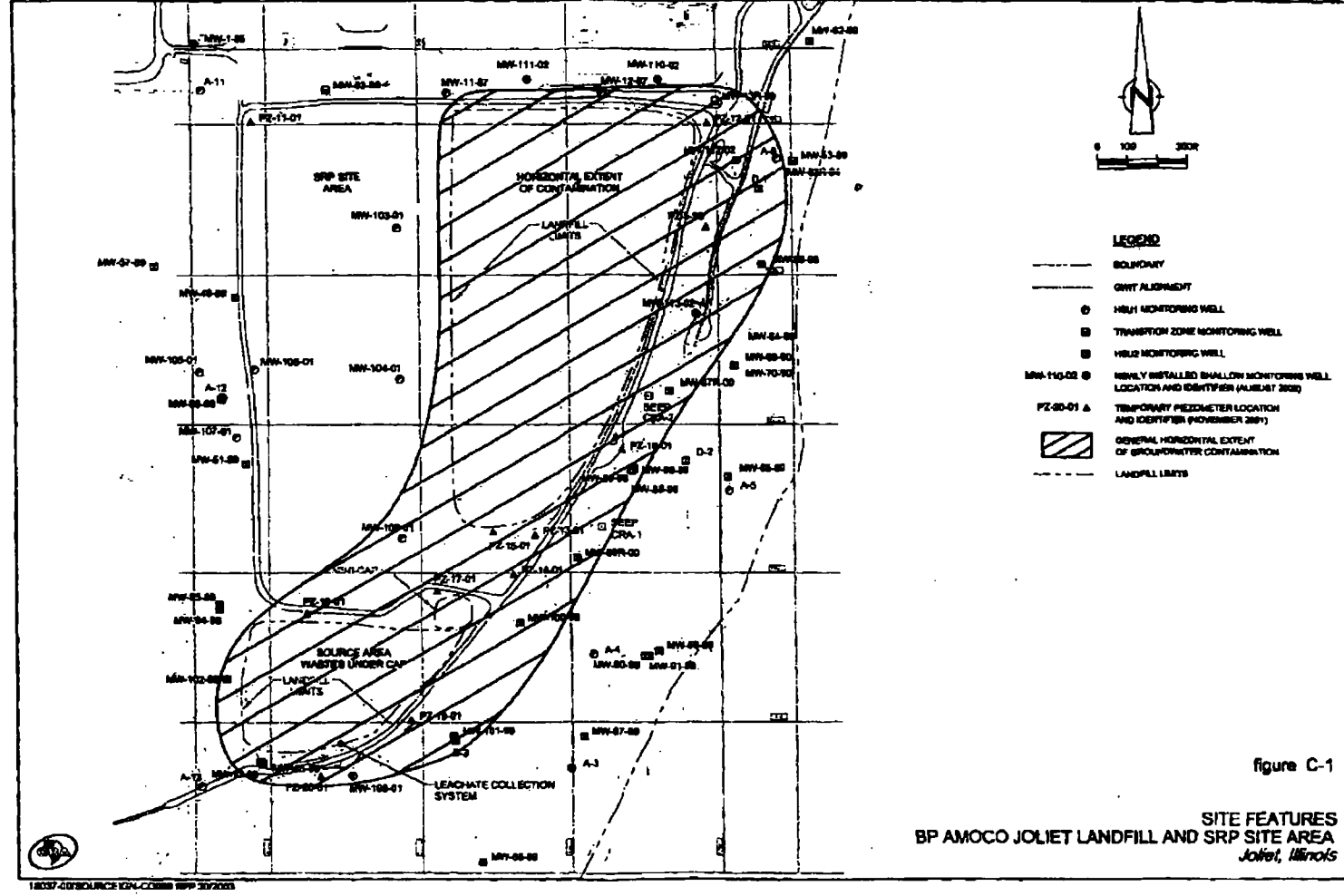


figure C-1

SITE FEATURES
BP AMOCO JOLIET LANDFILL AND SRP SITE AREA
Joliet, Illinois

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